

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Transportation and Economic Development Appropriations Committee

BILL: CS/CS/CS/SB 2014

INTRODUCER: Transportation and Economic Development Appropriations Committee; Children, Families, and Elder Affairs Committee; and Commerce Committee; and Senator Wise

SUBJECT: Early Learning

DATE: April 13, 2010 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hrdlicka</u>	<u>Cooper</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Harkey</u>	<u>Matthews</u>	<u>ED</u>	<u>Favorable</u>
3.	<u>Walsh</u>	<u>Walsh</u>	<u>CF</u>	<u>Fav/CS</u>
4.	<u>Belcher</u>	<u>Noble</u>	<u>TA</u>	<u>Fav/CS</u>
5.	_____	_____	<u>WPSC</u>	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

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|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill amends Florida's school readiness provisions by:

- Clarifying the role of the Agency for Workforce Innovation (AWI) and its responsibilities to implement a comprehensive system of support services;
- Requiring early learning coalitions to implement direct enhancement services and ensure access to such services in all of Florida's 67 counties;
- Granting AWI greater rulemaking authority for the administration of the school readiness program in certain areas, including standards, outcome measures, and system support services;
- Altering eligibility requirements for the school readiness programs;
- Consolidating provisions that are in disparate sections of the statutes;
- Deleting obsolete references to programs that no longer exist and agencies that no longer direct aspects of school readiness programs; and
- Repealing statutes that administer programs no longer in existence.

The bill also amends the Gold Seal Quality Care Program for child care facilities to specify the process by which the Department of Children and Family Services (DCF) is to establish the standards.

This bill may require short-term workload increases for AWI associated with reviewing and updating existing administrative rules and associated forms used to administer school readiness programs. These costs will be covered within AWI's current recurring budget from federal fund sources.

This bill amends the following sections of Florida Statutes: 39.0121, 39.202, 39.5085, 383.14, 402.26, 402.281, 402.313, 402.315, 402.45, 409.1671, 411.01, 411.0101, 411.0102, 411.203, 411.221, 445.024, 445.030, 490.014, 491.014, 1002.53, 1002.55, 1002.67, 1002.71, and 1009.64.

This bill transfers, renumbers and amends the following sections of Florida Statutes: 402.25, 402.3016, 402.3018, 402.3051, and 402.3145.

This bill creates the following sections of Florida Statutes: 411.01013, 411.01015, 411.01014, 411.0104, and 411.0106.

This bill repeals s. 402.3135, F.S.

II. Present Situation:

Florida School Readiness

In 1999, the Legislature passed the School Readiness Act, ch. 99-357, L.O.F., now codified in s. 411.01, F.S. That act integrated several early education programs run by the Department of Education (DOE) and child care programs run by the Department of Children and Families (DCF) into one system of school readiness delivery. The legislation established a state-level governing board, the Florida Partnership for School Readiness, charged with coordinating statewide program efforts. The act also required that county-level school readiness coalitions be formed to plan, implement and administer the program services locally.

School readiness programs are required to contain, at a minimum, the following elements: developmentally appropriate curriculum, a character development program, an age-appropriate assessment of each child's development, a pretest and posttest administered as children enter and leave programs, an appropriate staff-to-children ratio, a healthful and safe environment, and a resource and referral network that assists parents in making an informed choice of child care providers.¹

2001 Amendments to the School Readiness System

In 2001, the Legislature made several changes to the school readiness system, including the:

- Transfer of the Florida Partnership for School Readiness from the Executive Office of the Governor (EOG) to AWI;²

¹ Section 411.01(5)(c)2., F.S.

² Section 16, ch. 2001-170, L.O.F.

- Transfer of the subsidized child care program, the prekindergarten early intervention program, the migrant education program, and the Florida First Start Program to AWI;³
- Transfer of the Child Care Executive Partnership and the statewide resource and referral network to AWI;⁴ and
- Designation of AWI as the lead agency for the federal Even Start Family Literacy Programs.⁵

Effective January 1, 2002, the Legislature repealed the sections prescribing program requirements for the Florida First Start Program (former s. 230.2303, F.S. (2000)), the prekindergarten early intervention program (former s. 230.2305, F.S. (2000)), and the subsidized child care program (former s. 402.3015, F.S. (2000)). Additionally in 2002, the program requirements for the migrant education program were repealed.⁶ These repeals marked the end of these former early childhood education and child care programs as separate from the school readiness programs.

2004 Amendments to the School Readiness System

In December 2004, at its 2004 Special Session “A,” the Legislature enacted House Bill 1-A, which created the Voluntary Prekindergarten Education (VPK) Program, as required by a constitutional amendment adopted by the voters in 2002.⁷ In addition to establishing the VPK program, this chapter law enacted several reforms of the school readiness system. The Florida Partnership for School Readiness was abolished on January 2, 2005,⁸ and the partnership’s duties were transferred to AWI. Consequently, the chapter law established that, in addition to responsibility for the operational aspects of the VPK program, AWI is directly responsible for state-level coordination of school readiness programs and of the early learning coalitions.

The chapter law required that, by April 1, 2005, with certain exceptions, each early learning coalition serve at least 2,000 children in the school readiness program or merge with another coalition. This had the effect of reducing the number of coalitions to its current number of 30, although under the current law there could be fewer. The memberships of the coalitions were revised and the chapter law established the prohibition on members from voting when they have a conflict of interest.

The school readiness uniform screening at the time was replaced with a new statewide kindergarten screening to be used for determining whether children entering kindergarten are ready for school. The chapter law required DOE to assign each private prekindergarten provider

³ Sections 17 and 18, ch. 2001-170, L.O.F.

⁴ Section 17, ch. 2001-170, L.O.F.

⁵ Section 19, ch. 2001-170, L.O.F.; s. 411.0105, F.S.

⁶ Section 1058, ch. 2002-387, L.O.F., repealed former ch. 228, F.S., which included the section prescribing program requirements for migrant education program, former s. 228.062, F.S. (2001).

⁷ Chapter 2004-484, L.O.F. In November 2002, the electors of Florida approved Amendment No. 8 to the State Constitution, which required the Legislature to establish, by the 2005 school year, a prekindergarten program for every 4-year-old child in the state which is voluntary, high quality, free, and delivered according to professionally accepted standards. Section 1(b) and (c), Art. IX of the State Constitution. In 2003, the Legislature enacted s. 1002.53, F.S., as the initial voluntary prekindergarten education program to implement Amendment No. 8.

⁸ House Bill 1-A specified that the Florida Partnership for School Readiness was abolished when the bill became a law (ss. 16(1) and 20, ch. 2004-484, L.O.F.). The Governor approved HB 1-A on January 2, 2005.

and public school with a kindergarten readiness rate based upon the results of the kindergarten screening for students completing the provider's or school's VPK program.

2003 and 2004 Review of the School Readiness Program

In 2003 and 2004, the staff of the Committee on Commerce, Economic Opportunities, and Consumer Services issued two reports on the school readiness programs. The 2003 report, Administration of the School Readiness Programs,⁹ and the 2005 report, School Readiness Programs II: Next Steps in the Evolution of Early Learning,¹⁰ both reviewed the history of school readiness programs in Florida. The 2005 report also surveyed the results of studies regarding such programs and examined ch. 2004-484, L.O.F., to determine what issues, if any, remained outstanding and suggested ways to redress several of those issues. This report offered, in part, the following recommendations:

- Consolidate a number of statutes governing early childhood education and child care;
- Delete obsolete references to repealed and transferred programs;
- Require AWI to publish profiles of school readiness providers (similar to profiles required for VPK program providers) which specify whether the provider complies with the educational requirements of the School Readiness Act;
- Limit financial incentives to providers that comply with the educational requirements of the School Readiness Act;
- Establish an age-distribution policy for School Readiness Funding; and
- Require AWI to develop a comprehensive design of outcome measurements for early learning programs.

2008 Amendments to the School Readiness System

In 2008, the following parts of the school readiness system were transferred to ch. 411, F.S.:¹¹

- The child care and early childhood resource and referral network¹² is maintained by AWI, with preference given to the early learning coalitions for the administration of this program. The network helps families identify quality early learning programs by providing information related to the type of program, hours of services, ages of children served, teacher credentials, and other significant program information.
- The Child Care Executive Partnership Program¹³ is staffed by AWI. The program uses state and federal funds to match local funds derived from various sources, to create community based partnerships with employers and provide child care subsidies to low-income working parents.

School Readiness Funding

School readiness services are funded through a mixture of state and federal funds. The Fiscal Year 2009-2010 appropriations for grants for services total \$615.5 million, comprised of \$353.6 million from the federal Child Care and Development Fund (CCDF) block grant; \$500,000 from

⁹ Florida Senate, Committee on Commerce, Economic Opportunities, and Consumer Services, Administration of the School Readiness System, Interim Project Report 2004-116 (Dec. 2003).

¹⁰ Florida Senate Committee on Commerce and Consumer Services, School Readiness Programs II: Next Steps in the Evolution of Early Learning, Interim Project Report 2005-112 (Jan. 2005).

¹¹ Chapter 2008-196, L.O.F.

¹² Section 411.0101, F.S.

¹³ Section 411.0102, F.S.

the Employment Security Administration Trust Fund; \$116.4 million from the Welfare Transition Trust Fund (Temporary Assistance for Needy Families (TANF) block grant); \$6.3 million from the state's Special Employment Security Administration Trust Fund; and \$138.7 million from the state's General Revenue Fund.¹⁴

AWI is required to develop a formula for the allocation of all state and federal school readiness funds for children participating in public or private school readiness programs based upon equity and performance.¹⁵ In 2006, the law was changed such that AWI is now required to submit a recommended allocation formula to the Governor and to the Legislature by January 1 of each year, instead of to the Governor and to the Legislative Budget Commission for approval.¹⁶ The Legislature must specify in the General Appropriations Act any changes from the prior year allocation methodology that must be used by AWI in allocating funds to the early learning coalitions.¹⁷

Currently, early learning coalitions are responsible for implementing the School Readiness program at the local level. By federal law, the administrative expenditures for this program must be kept below a maximum of five percent for each program.¹⁸ The statewide administrative spending for these functions averages three percent, or \$18 million dollars, annually. The administrative costs associated with local entities are offset by match requirements from local sources that the state mandates (about \$25 million annually).

Voluntary Prekindergarten Education Program

The VPK program is administered at the local level by school districts and school readiness coalitions, called "early learning coalitions." At the state level, DOE administers the accountability requirements of the prekindergarten program and AWI administers the operational requirements of the program.

Currently, to participate in the program, private prekindergarten providers that are not licensed by DCF or Gold Seal Accredited must be accredited by a member of the National Council for Private School Accreditation, the Commission on International and Trans-Regional Accreditation, or the Florida Association of Academic Nonpublic Schools. These accreditation associations must have written standards that meet or exceed the state's licensing requirements. Private providers must be a licensed child care facility, a licensed family day care provider, a licensed large family child care home, a nonpublic school exempt from licensure, or a faith-based child care provider exempt from licensure. For each prekindergarten class, there must be at least one instructor who holds a child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition (NCPCPR) or a credential approved by DCF that meets or exceeds the NCPCPR standards. Private providers must offer classes comprised of at least 4 students but no more than 18 students.

¹⁴ Specific Appropriation 2157, General Appropriations Act for Fiscal Year 2009-2010, ch. 2009-81, L.O.F.

¹⁵ Section 411.01(9)(c), F.S. The requirement was created by s. 20, ch. 2001-120, L.O.F. It was modified by s. 2 of ch. 2004-484, L.O.F., to make specific reference to the early learning coalitions, to require AWI to "adopt a formula" instead of "prepare a plan," and to make other technical but non-substantive changes in the language.

¹⁶ The criticism was that the statute specified neither the frequency with which AWI was to submit a funding allocation formula to the LBC, nor any date by which it was to be submitted.

¹⁷ Chapters 2006-17 and 2006-26 (ss. 40, 41), L.O.F.

¹⁸ 45 CFR 98.50(d).

For public and private providers, each prekindergarten instructor must submit to level two background screenings every five years, which includes fingerprinting procedures for employees who have had a break in continuous employment of more than 90 days.

If an approved prekindergarten instructor is absent, present law requires the provider to hire another credentialed instructor as a substitute. For shorter periods of time, a substitute instructor who does not meet the VPK instructor qualifications may be used.

Gold Seal Quality Care Designation

Under s. 402.281, F.S., the Department of Children and Family Services (DCF) issues a “Gold Seal Quality Care” designation to child care facilities, large family child care homes, and family day care homes that are accredited by a nationally recognized accrediting association whose standards meet or exceed standards of the National Association for the Education of Young Children; National Association of Family Child Care, and National Early Childhood Program Accreditation Commission. In addition to the three associations listed in law, DCF’s current approved list of accrediting associations includes:

- Association of Christian Schools International;
- Association of Christian Teachers and Schools;
- Accredited Professional Preschool Learning Environment;
- Council On Accreditation;
- Montessori School Accreditation Commission;
- National After-School Association;
- National Accreditation Commission;
- National Association for the Education of Young Children;
- National Association for Family Child Care;
- National Council for Private School Accreditation;
- National Early Childhood Program Accreditation;
- Southern Association of Colleges and Schools;
- United Methodist Association of Preschools; and
- National Accreditation Council for Early Childhood Professional Personnel and Programs.

The Gold Seal Quality Care Program is an approved accreditation for child care providers to be eligible to participate in the Voluntary Pre-Kindergarten Program. In addition, licensed or faith-based child care facilities with the Gold Seal Quality designation may receive an exemption from property taxes and a sales tax exemption for certain educational materials.

The Department of Children and Family Services’ Gold Seal Quality Care Program does not contain a set of independent standards. Rather, it is a level of care that exceeds the minimum child care licensing standards established by Florida law and by rule by meeting the higher standards of the approved accrediting agencies.

The DCF Child Care Program Office is responsible for approving accrediting agencies for participation in the Gold Seal Quality Care Program. These accrediting agencies must meet or exceed the National Association for the Education of Young Children (NAEYC) standards, the

standards of the National Association of Family Child Care, or the standards of the National Early Childhood Program Accreditation Commission. The Child Care Program Office is tasked with ensuring that the accrediting agencies approved for participation are of sufficient variety to meet the needs of all child care providers. (i.e., faith-based, school-age, Montessori, school-based, private, etc.). Child care providers who are accredited by one or more of the approved agencies are issued a Gold Seal certificate by the Child Care Program Office.

The Gold Seal Quality Care Program is voluntary and the benefits of participation include, but are not limited to: a positive marketing tool for parents, sales tax exemptions, ad valorem tax exemption, increased reimbursement rate for children participating in school readiness, and participation in Florida's Voluntary Prekindergarten program. There are currently 2,926 Gold Seal Quality Care programs in Florida as of January 2010.

Early Learning Coalitions

Early learning coalitions are, in general, community agencies incorporated as private, not-for-profit organizations. They implement the school readiness program and provide certain family services. The early learning coalitions also assist in the implementation of the VPK program. The coalitions:¹⁹

- Accept applications for VPK through a single point of entry for all coalitions;
- Determine eligibility for participation;
- Provide parents with a profile of every private prekindergarten provider or public school delivering the program within the coalition's county or multicounty region;
- Enroll children in the program by working with each school district in the coalition's area;
- Ensure that appropriate staff-to-children ratios are maintained; and
- Ensure that children are enrolled with an eligible provider.

Furthermore, the early learning coalitions also have the responsibility to administer the VPK program at the county or regional level for students enrolled in a summer program delivered by a private prekindergarten provider.²⁰

The early learning coalitions are responsible for implementing the educational requirements of both the School Readiness and VPK programs. Program expectations that are part of the School Readiness Act include:

- The program must enhance the age-appropriate progress of each child in the development of school readiness skills, including self-help skills, compliance with rules, and problem solving skills;²¹
- The early learning coalition must implement a comprehensive program of School Readiness services that enhance the cognitive, social, and physical development of children to achieve the performance standards and outcome measures adopted by AWI;²²
- The program must provide extended-day and extended-year services to meet the needs of parents who work;²³

¹⁹ Sections 1002.53 and 1002.67, F.S.

²⁰ Section 1002.61, F.S.

²¹ Sections 411.01(4)(j) and 411.01(5)(c)1.a., F.S.

²² Section 411.01(5)(c)2., F.S.

- There must be coordinated staff development and teaching opportunities;²⁴
- There must be expanded access to community services and resources for families to help achieve economic self-sufficiency;²⁵
- The program must meet all state licensing guidelines, where applicable;²⁶ and
- Instructional staff must have completed the training course as required in s. 402.305(2)(d)1., F.S., or have had additional training or credentials as required by AWI.²⁷

Currently, children ages birth to five, as well as school age children up to the age of 13, children up to the age of 19 if there is a documented physical or mental incapacity, and children under the Relative Caregiver Program,²⁸ are served in the school readiness program.

III. Effect of Proposed Changes:

This bill clarifies the role of the Agency for Workforce Innovation and its responsibilities to implement a comprehensive system of school readiness support services, while requiring early learning coalitions to implement direct enhancement services and ensure access to such services in all of Florida's 67 counties. The bill updates terminology by deleting obsolete references to the subsidized child care program and to the State Coordinating Council for School Readiness Programs. Programs related to school readiness located in other chapters of the Florida Statutes are moved to Part I, ch. 411, F.S., dealing with school readiness. Each proposed change is discussed separately below.

The bill updates terminology in the following statutes:

- s. 39.0121, F.S., which deals with rulemaking authority for DCF in proceedings related to children;
- s. 39.202, F.S., relating to reports and records in cases of child abuse or neglect;
- s. 39.5085, F.S., related to the Relative Caregiver Program, which is established and operated by DCF;
- s. 383.14, F.S., which deals with Department of Health screening programs for metabolic disorders, other hereditary and congenital disorders, and environmental risk factors for all newborns in Florida;
- s. 402.26, F.S., which sets forth the Legislature's intent for child care programs in Florida;
- s. 402.313, F.S., dealing with family home daycare;
- s. 402.45, F.S., which directs the Department of Health to establish a community resource mother or father program, the purpose of which is to demonstrate to mothers or fathers the benefits of utilizing community resources for children;
- s. 411.203, F.S., relating to the continuum of comprehensive services;
- s. 411.221, F.S., relating to prevention and early assistance strategic plan and agency responsibilities;

²³ Section 411.01(5)(c)1.b., F.S.

²⁴ Section 411.01(5)(c)1.c., F.S.

²⁵ Section 411.01(5)(c)1.d., F.S.

²⁶ Section 411.01(5)(c)1.h., F.S.

²⁷ Section 411.01(5)(d)4.c., F.S.

²⁸ Section 39.5085, F.S.

- s. 445.024(4), F.S., related to prioritization of work requirements for regional workforce boards;
- s. 445.030, F.S., related to transitional education and training for former recipients of temporary cash assistance who are actively seeking work or working;
- s. 490.014(2), F.S., related to exemptions for state licensure as psychologists;
- s. 491.014(4), F.S., related to state licensure for clinical, counseling, and psychotherapy services;
- s. 1002.53, F.S., related to the VPK program, to conform subsection (5) of this statute to the changes made to the early learning coalitions;
- s. 1002.67, F.S., relating to the VPK program;
- s. 1002.71, F.S., relating to funding and attendance reporting; and
- s. 1009.64, F.S., relating to the certified education paraprofessional welfare transition program.

Further, the bill repeals s. 402.3135, F.S., relating to the subsidized child care case management program. The subsidized child care program was repealed in 2002.²⁹

Sections Transferred to ch. 411, F.S.

The bill transfers, s. 402.25, F.S., which directs each state funded education and care program for children from birth to five years of age to provide activities to foster brain development in infants and toddlers, and renumbers it as s. 411.0106, F.S. The bill updates terminology and amends the section to require that the program provide an environment that helps children attain the performance standards adopted by AWI pursuant to s. 411.01(4)(d)8., F.S.

The bill transfers s. 402.3016, F.S., and renumbers it as s. 411.0104, F.S. This statute relates to Early Head Start collaboration grants. AWI administers a program to award collaboration grants to assist local agencies in securing Early Head Start programs through Early Head Start program federal grants.³⁰

The bill transfers s. 402.3018, F.S., and renumbers it as s. 411.01015, F.S. The bill amends the section to reflect the transfer of early learning responsibilities from DCF to AWI and the evolution of child care to school readiness and prekindergarten services. This section revises provisions requiring, subject to legislative appropriation, the establishment of a statewide toll-free Warm-Line, providing assistance and consultation to child development providers regarding health, developmental, disability, and special needs issues. This section revises the purpose of the Warm-Line, specifying that the purpose is to provide advice to child care personnel concerning strategies, curriculum, and environmental adaptations for children with a disability or special need.

Under current law, DCF is required to contract with the “statewide resource information and referral agency” for the Warm-Line. Resource and referral was transferred to AWI from DCF in 2001,³¹ but the statute did not accurately reflect that change. This section specifies that AWI, not DCF, is the agency responsible for the Warm-Line. AWI is directed to annually inform child

²⁹ Section 26, ch. 2001-170, L.O.F.

³⁰ This program was transferred to AWI in 2001 (ch. 2001-170, L.O.F.).

³¹ Section 17, ch. 2001-170, L.O.F.

care centers and family day care homes about the Warm-Line through the child care resource and referral network under s. 411.0101, F.S. AWI is also directed to contract or expand the Warm-Line

The bill transfers, s. 402.3145, F.S., relating to transportation services for children participating in the school readiness program, renumbers it as s. 411.01014, F.S., and updates terminology. It also permits AWI to authorize the early learning coalition to establish the school readiness transportation services.

Gold Seal Quality Care Program

The bill amends s. 402.281, F.S., to expressly establish the Gold Seal Quality Care program within DCF. The bill provides a child care facility, large family child care home, or family day care home that is accredited by a nationally-recognized accrediting organization approved by DCF and meets all other requirements shall receive a “Gold Seal Quality Care” designation upon application to DCF.

DCF is directed to adopt rules to establish Gold Seal accrediting standards based upon the current standards of the National Association for the Education of Young Children, the National Association of Family Child Care, or the National Early Childhood Program Accreditation Commission. The Agency for Workforce Innovation replaces the now-obsolete State Coordinating Council for School Readiness Programs as one of the parties with whom DCF must consult when developing the standards and the “National Alliance for Child Development Education” is changed to reflect its correct name, the “Child Development Education Alliance.”

Market Rates

The bill transfers s. 402.3051, F.S., renumbers it as s. 411.01013, F.S., and amends the section to address collection of market rates. Under the former subsidized child care program, DCF determined reimbursement rates for child care services across the state. In 1999, under the School Readiness Act, the authority to set reimbursement rates was devolved to school readiness coalitions.³² Under federal regulations governing the Child Care and Development Fund Block Grant, which provides more than one-half of the funding for the state’s school readiness programs, the state must demonstrate “[h]ow payment rates are adequate based on a local market rate survey...”³³ Although s. 402.3051, F.S., has not been revised since responsibility for determining reimbursement rates was transferred to the school readiness coalitions, AWI has collected market rates and published the schedule of rates.

This section replaces obsolete provisions relating to the state-level determination of reimbursement rates and requires AWI to establish a prevailing market-rate schedule with county-by-county rates. Rates are differentiated by type of child care providers, the type of services offered, and multiple children of a single family served.

The prevailing market-rate schedule must differentiate rates based on the type of child care provider, types of services provided, full-time and part-time services, and the number of children in a single family. The prevailing market rate must be based exclusively on the prices charged

³² Section 1, ch. 99-357, L.O.F.; s. 411.01(5)(e)2., F.S.

³³ 45 C.F.R. s. 98.43(b)(2).

for child care services, and the bill requires that the Early Learning Coalition consider the prevailing market rate when adopting a payment schedule. The bill authorizes AWI to contract with one or more qualified entities to administer these provisions and provide technical support; and provides that the federal requirements control if there is a conflict between state and federal requirements. The bill authorizes AWI to adopt rules related to the procedures, calculations, and publication of market rates.

Licensing Fees for Child Care Facilities

The bill amends s. 402.315, F.S., related to fees collected for licensing and registration of certain facilities by DCF. Currently, s. 402.315, F.S., sets a license fee for child care facilities licensed under s. 402.308, F.S., that is \$1 per child, with the minimum fee set at \$25 and the maximum fee set at \$100 per facility. Section 402.308, F.S., states that “every child care facility in the state shall have a license which shall be renewed annually.”

This section adds fees for licensing and registration for different types of child care:

- For a child care facility licensed pursuant to s. 402.305, the fee is \$1 per child based on the licensed capacity of the facility, with a minimum fee set at \$25 and a maximum fee set at \$100 per facility.³⁴
- For a family day care home registered with DCF pursuant to s. 402.313, F.S., the fee is \$25. Currently, family day care homes are registered with DCF if they are not subject to licensure.
- For a family day care home licensed pursuant to s. 402.313, F.S., the fee is \$50. Family day care homes are licensed pursuant to s. 402.313, F.S., if they are presently being licensed under an existing county licensing ordinance or if the board of county commissioners passes a resolution that family day care homes be licensed.
- For a large family child care home licensed under s. 402.3131, F.S., the fee is \$60. Large family child care homes are occupied residences in which child care is regularly provided for children from at least two unrelated families.

Licensed Foster Homes

The bill amends s. 409.1671, F.S., relating to foster care and related services, to clarify that a licensed foster home under s. 409.175, F.S., may be dually licensed as a child care facility and also receive certain payments for the same child.

School Readiness Programs

The bill amends s. 411.01, F.S., the School Readiness Act. This section revises the legislative intent by:

- Deleting the intent that school readiness programs be regionally designed, operated and managed;
- Adding a requirement that administrative staff for the school readiness programs be kept to the minimum necessary to administer the duties of AWI and the early learning coalitions;

³⁴ Section 402.305, F.S., sets out the licensing standards for child care facilities in Florida, including personnel requirements, staff-to-children ratios, and building standards.

- Directing AWI to implement a state level system to build a comprehensive early learning system (Clarifies the role of AWI and its responsibilities to implement a comprehensive system of support services);
- Directing early learning coalitions to implement and maintain direct enhancement services at the local level, as approved in its school readiness plan by AWI, and ensure access to such services in all of Florida's 67 counties;
- Deleting the intent related to appropriations for combined school readiness programs; and
- Deleting the intent that the federal child care income tax credit be preserved for school readiness programs.

Responsibilities of AWI

The bill requires that:

- AWI must coordinate with the early learning coalitions, instead of directing them;
- AWI must be designated by the Governor as the lead agency for the federal Child Care and Development Fund;³⁵
- AWI must provide a review every two years of the early learning coalitions and school readiness plans;
- AWI must establish a unified approach to school readiness and adopt specific “system support services” which include:
 - Child care resource and referral services;
 - Warm-Line services;
 - Eligibility determinations;
 - Child performance standards;
 - Child screening and assessment;
 - Developmentally appropriate curricula;
 - Health and safety requirements;
 - Statewide data system requirements; and
 - Rating and improving systems.
- The early learning coalitions must amend their school readiness plans to conform to AWI's specific “system support services”;
- AWI must adopt a rule establishing criteria for expending funds to improve the quality of child care in Florida in accordance with s. 658G of the federal Child Care and Development Block Grant;
- AWI must provide technical assistance to the coalitions based on information obtained from public input, government reports, private interest group reports, and coalition requests for service;
- AWI must work with DOE, DCF, and the early learning coalitions to minimize duplicative interagency activities;
- AWI must adopt a standard contract to be used by the early learning coalitions when contracting with school readiness providers; and
- AWI must conduct studies and planning activities related to specific system support services for school readiness adopted by AWI.

³⁵ According to AWI, the agency explicitly authorized to administer early childhood services and the school readiness program has always been designated as the lead agency for the federal Child Care and Development Fund. Because AWI administers these services and programs, AWI must be the designated agency and no other agency can be the lead agency for purposes of administering the federal fund.

The bill deletes requirements for AWI to address gaps in service; to provide technical assistance to counties that form a multicounty region to be serviced by a coalition; and to identify best practices of early learning coalitions. The bill reduces the number of agencies to which AWI must provide an annual report.

The bill clarifies the age for which AWI's performance standards must be integrated with DOE's standards for VPK (from birth to five, instead of from birth to three currently in the statute). The bill adds a requirement that within 30 days after enrollment, the coalition or program provider should obtain certain information regarding the child's health history for programs licensed by DCF.³⁶

AWI is authorized to adopt rules for child performance standards, outcome measures, and the implementation of the federal Child Care and Development Fund Plan.³⁷

Early Learning Coalitions

The bill requires early learning coalitions to implement direct enhancement services and ensure access to services in all Florida counties. The number of coalitions permitted is increased from 30 to 31. Currently, s. 411.01(5)(a)3., F.S., states that coalitions in Sarasota, Osceola, and Santa Rosa counties are not counted within the limit of 30 coalitions. This provision is deleted.³⁸ In essence, the number of coalitions permitted in statute is reduced from 33 to 31. There are currently 31 early learning coalitions in Florida

The number of members that each early learning coalition may have is reduced from a range of 18–35 down to a range of 15–25 members. The bill changes the way in which members are determined to be “voting” or “non-voting.” Currently in statute, certain members are specifically designated as voting or non-voting. The bill eliminates all references to a member's voting status, and instead states that AWI shall establish procedures for identifying which members will have voting privileges. One limitation is provided, though, and states that if more than one member position represents the same entity, only one may be a voting member position. Further, multi-county coalitions are permitted to have representation from more than one county in a board position; however, only one of those members in the position may vote.

The coalition chair, appointed by the Governor, will be appointed for four years in conjunction with their membership of the Early Learning Advisory Council under s. 20.052, F.S. The Early Learning Advisory Council is established under s. 1002.77, F.S., to submit recommendations to DOE and AWI on Florida's early learning policy, including recommendations relating to

³⁶ Section 402.311, F.S., sets forth the right to inspection of licensed child care facilities by DCF or a local licensing agency. The right of entry and inspection is also extended to any premises which DCF or the local licensing agency has reason to believe are being operated or maintained as a child care facility without a license, subject to permission by the owner or a warrant issued by a circuit court.

³⁷ This program, authorized by the Child Care and Development Block Grant Act, and Section 418 of the Social Security Act, assists low-income families, families receiving temporary public assistance, and those transitioning from public assistance in obtaining child care so they can work or attend training/education. About the Child Care Development Fund, U.S. Department of Health and Human Services, Administration for Children and Families, Child Care Bureau, at <http://www.acf.hhs.gov/programs/ccb/ccdf/index.htm> (last visited 3/26/2009).

³⁸ This was a statutory exception which did not require these coalitions to serve a minimum of 2,000 students. However, a coalition may petition AWI for waiver of the requirements of the number of children served.

administration of VPK and the school readiness programs. Section 20.052, F.S., sets forth the requirements for how advisory bodies are established, evaluated, or maintained; this includes requirements as to how private citizens are appointed to advisory bodies.

The bill adds a new limitation on early learning coalitions. The coalitions may not impose requirements on a child care or early childhood education provider that does not deliver services under the school readiness program or receive funds under s. 411.01, F.S.

The bill requires the school readiness program to provide a coordinated professional system supportive of school readiness instructors in helping children to attain the performance standards and outcomes required by AWI. The bill requires AWI to establish “through technology” a single statewide information system that each coalition must use to manage the single point of entry, tracking children’s progress, coordinating services among stakeholders, determining eligibility, tracking child attendance, and streamlining administrative processes for providers and early learning coalitions. This provides statutory authority for the Early Learning Information System (ELIS), currently under development, which will be a centralized technology system that will provide critical information to early learning parents, partners, and providers. Benefits of ELIS include the following:

- Streamlining administrative processes including attendance tracking, eligibility processing, and provider payments;
- Reducing potential fraud and overpayments;
- Providing data sharing capabilities between educators, parents, providers, and state agencies; and
- Providing parents with easy on-line access to child care resource and referral information along with a wealth of child development and early education information.

The bill requires that the school readiness program must ensure that minimum standards for child discipline practices are age appropriate, are not severe, humiliating, or frightening, and are not associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited.

Each early learning coalition must implement a comprehensive program of school readiness services in accordance with rules adopted by AWI. The statute currently provides the minimum elements that the program must address; these minimum requirements are increased by adding that the program must include:

- An appropriate staff-to-children ratio that, when applicable, meets the required ratios for licensed child care facilities and family day care homes, and is verified pursuant by DCF or a local licensing agency;
- A healthy and safe environment that meets the required ratios for licensed child care facilities, and is verified by DCF or a local licensing agency;
- An age-appropriate assessment administered when children enter and leave the program; and
- A resource and referral network established under s. 411.0101, F.S., to assist parents and “a regional warm-line under s. 411.01015, F.S.”

The bill requires AWI, DOE, DCF, and the early learning coalitions to minimize duplicative interagency activities pertaining to collecting and compiling data for child care training and credentialing.

The bill requires early learning coalitions to coordinate with one another to implement a comprehensive program of school readiness services to serve specific purposes for children and families in addition to previously required criteria. Previously each coalition individually developed a plan to implement the criteria. New criteria include a demonstration of how the plan ensures that each child from birth to five years of age, instead of 3- and 4-year olds, receives services meeting AWI performance standards and helps families achieve economic self sufficiency. The coalitions must solicit and consider comments from the local community on the school readiness plan. AWI is also directed to review the school readiness plans at least every two years (current language requires a review by AWI at least once a year).

The bill amends the requirements for coalition school readiness plans, including that the plan be consistent with AWI system support services, and address:

- The needs of all eligible providers and children in the coalition's area;
- Enhancement services to families, including parent training and involvement activities that meet the needs of unique populations and local eligibility priorities; and
- The implementation of locally developed quality programs in accordance with AWI requirements adopted pursuant to s. 411.01(4)(d)5., F.S. (addressed above).

This section repeals requirements for coalition school readiness plans, including criteria that address:

- Training for instructional staff;
- Systems support services, including a central agency, child care resource and referral, eligibility determinations, training of providers, and parent support (most of the systems support services are addressed elsewhere in the statutes, either currently or through changes made by this bill); and
- Strategies to meet the needs of unique populations, such as migrant workers.

Currently, each early learning coalition is responsible for identifying local needs and applying appropriate solutions as local entities; the early learning coalitions have discretion in their day-to-day operations. The federal and state governments establish guidelines, and the early learning coalitions develop quality initiatives based on a local needs assessment as part of the coalition plan. This allows early learning coalitions to measure the level of achievement and impact their services have on their communities.

Additionally, coalition school readiness plans must address payment rates (child care provider reimbursement rates). The bill will allow certain rates that create standards or levels of service not expressly established by the Legislature when the bases for the reimbursement rates have been approved by the federal government, will result in additional federal funding, and are standards that are uniform throughout the state.

An early learning coalition will no longer be able to petition AWI for waiver of meeting the agency's rules when the coalition demonstrates that specific statutory goals may be achieved more effectively in another way. Additionally, AWI, not the early learning coalitions, may

petition the Governor and Cabinet to waive any provisions of ss. 411.223,³⁹ 411.232,⁴⁰ or 1003.54,⁴¹ F.S., if the waiver is necessary to implement the school readiness program.

The bill deletes an obsolete provision in s. 411.01(5)(d)9., F.S. Because all federal subsidized child-care programs in Florida have been consolidated into the Florida School Readiness program, it is unnecessary to retain this reference. Those programs included: the Prekindergarten Intervention Program; the Migrant Education Program; subsidized child care; and Florida First Start.

The bill changes the way the coalitions may procure commodities or contractual services. Currently the coalitions may submit requests for proposals pursuant to s. 287.054, F.S. Under the bill, early learning coalitions must comply with the procurement and expenditure procedures developed by AWI.

The bill repeals the authorization for an early learning coalition to enter into multiparty contracts with a multi-county service provider in order to meet the needs of unique populations such as migrant workers. The bill repeals requirements related to fiscal agents.

The bill requires each early learning coalition to prepare an annual report that includes an evaluation of the effectiveness of its direct enhancement services.

The bill defines the group of children eligible for the school readiness program. Currently the law states that the school readiness program is established for children from birth to the beginning of the school year for which the child is eligible for admission to kindergarten in a public school. The new language adds that the program is also established for children who are eligible for any federal subsidized child care program. Children eligible for federal subsidized child care programs include school aged children up to 13 years of age, and disabled children up to 19 years of age. AWI stated that this is not an increase in the number of eligible children served, but language necessary to protect TANF funding. These children are currently served by the school readiness program, as discussed above in the Present Situation.

The bill establishes a definitive priority sequence for admissions to school readiness programs. First priority is given to a child from a family in which there is an adult receiving temporary cash assistance who is subject to federal work requirements. Second priority is given to children who are eligible for a school readiness program but have not entered school and are served by the Family Safety Program Office of DCF, or similar local program, including those children being served by a community based lead agency under ch. 409, F.S. (social and economic assistance, including children's zones), and for whom child care is needed to minimize risk of further abuse, neglect, or abandonment. Subsequent priority may be given to a child who meets one or more of the following:

- Children under the age of kindergarten eligibility who are:

³⁹ Addresses uniform standards for preschool preventative health services.

⁴⁰ Establishes the Children's Early Investment Program for young children who are at risk of developmental dysfunction or delay and for their families.

⁴¹ Establishes teenage parent programs by each district school board.

- Children at risk of welfare dependency, including economically disadvantaged children, children of participants in the welfare transition program, children of migrant farmworkers, and children of teen parents;
- Children of working families whose family is economically disadvantaged; and
- Children for whom the state is paying a relative caregiver payment under s. 39.5085, F.S.
- 3-year-old children and 4-year-old children who may not be economically disadvantaged but who have disabilities, have been served in a specific part-time or combination of part-time exceptional education programs with required special services, aids, or equipment, and were previously reported for funding part time with the Florida Education Finance Program as exceptional students;
- Economically disadvantaged children, children with disabilities, or children at risk of future school failure, from birth to four years of age, who are served at home through home visitor programs and intensive parent education programs; and
- Children who meet federal and state eligibility requirements for the migrant preschool program but who are not economically disadvantaged.

Parental Choice

The bill revises provisions related to parental choice in s. 411.01(7), F.S., specifying that parental choice of child care providers must be established to the maximum extent possible as required by federal law. The bill adds a definition for “payment certificate” as a child care certificate defined in 45 C.F.R. s. 98.2.⁴² The defined term replaces “purchase service order” throughout the section. The school readiness program is required to be administered in accordance with 45 C.F.R 98.30.

Standards and Outcome Measures

The bill requires that all program providers participating in the school readiness program meet the performance standards and outcomes adopted by AWI.

Funding for School Readiness

The bill revises provisions related to funding of the school readiness program in s. 411.01(9), F.S. AWI must establish a formula for allocation of state and federal school readiness funds subject to legislative notice and review as required under s. 216.177, F.S. This formula will be based on equity “for each county” and not performance. The bill eliminates requirements for AWI to submit recommendations to the Legislature for providing necessary transportation services for school readiness programs.

Child Care Resource and Referral Network

The bill revises requirements for services provided by the statewide child care resource and referral network. In particular, referrals will only be made to “legally operating” child care facilities; no referrals will be made to facilities operating illegally. The current law states that referrals will only be made to licensed child care facilities and no referrals will be made to

⁴² The federal law defines “child care certificate” as “a certificate (that may be a check, or other disbursement) that is issued by a grantee directly to a parent who may use such certificate only as payment for child care services or as a deposit for child care services if such a deposit is required of other children being cared for by the provider, pursuant to §98.30. Nothing in this part shall preclude the use of such certificate for sectarian child care services if freely chosen by the parent. For the purposes of this part, a child care certificate is assistance to the parent, not assistance to the provider.”

unlicensed facilities. This change incorporates programs which are legally operating but that are not required to be licensed to be included in the referral network, including faith-based facilities.

The network is established by AWI as a part of the school readiness program. AWI is directed to adopt rules regarding the accessibility of the network, which include required hours of operation, methods for parents to request services, and network staff requirements. The agencies implementing the network are required to develop a resource file of existing public and private child care and early childhood education services through the single statewide information system developed by AWI pursuant to s. 411.01, F.S. Additionally, agencies are to keep a record of requests for service “tabulated through the internal referral process through the single statewide information system.”

The referral program is now referenced as the “network” and appropriate changes are made throughout the statute to reflect this. References to repealed programs are deleted and changed to current programs, such as VPK and the school readiness program. Additionally references to “handicapped” are changed to refer to children with disabilities.

The Child Care Executive Partnership

The bill revises provisions relating to the Child Care Executive Partnership Act to update terminology. Section 19 of the bill deletes and replaces references to subsidized child care with appropriate language. The Child Care Executive Partnership is authorized to conduct meetings through telecommunications.

Accreditation

The bill amends s. 1002.55, F.S., to add

- An accrediting association that is a member of the National Council for Private School Accreditation or the Florida Association of Academic Nonpublic Schools;
- The Southern Association of Colleges and Schools;
- The Western Association of Colleges and Schools;
- The North Central Association of Colleges and Schools;
- The Middle States Association of Colleges and Schools, and
- The New England Association of Colleges and Schools

to the list of accrediting agencies from which a private prekindergarten provider may obtain accreditation (replaces the Commission on International and Trans Regional Accreditation). The bill requires a VPK program private provider to have disciplinary policies that prohibit discipline that is severe, humiliating, or frightening, is associated with food, rest, or toileting, or involves spanking or other physical punishment.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill updates the statutes to reflect the current organizational structure of the school readiness system and clarifies obsolete and vague laws relating to child development. These changes may reduce potential confusion, may improve the effectiveness of school readiness coalitions by administering a uniform program statewide, and may promote consistency in the regulation of child development providers.

Changes in the school readiness program may also result in an increase in the number of facilities eligible to participate as well as an increase in the number of children eligible.

The bill imposes licensing fees for licensed and registered family day care homes and large family child care homes. These entities are not currently subject to licensing fees.

C. Government Sector Impact:

This bill may require short-term workload increases for AWI associated with reviewing and updating existing administrative rules and associated forms used to administer school readiness programs. These costs will be covered within AWI's current recurring budget from federal fund sources.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

AWI identified in its analysis that s. 411.0101, F.S., does not include the same confidentiality protections for children's personal information as do ss. 411.011 and 1002.72, F.S.

In several places in the bill, the amendatory language refers to requirements on early learning coalitions "as verified pursuant to s. 402.311." Section 402.311, F.S., does not provide for verification, but instead discusses the right to inspection of licensed child care facilities by DCF or a local licensing agency. It may be more appropriate to refer to an inspection rather than verification, as appropriate.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by the Commerce Committee on March 17, 2010:**

The CS differs from the bill as filed in the following ways:

- Makes technical and grammatical changes throughout;
- Inserts a reference to “school readiness” in the Relative Caregiver Program, as suggested by DCF in its analysis of the original bill;
- Revises legislative intent for child care programs by changing a reference from “early learning program” to “school readiness program;”
- Amends a reference to the National Association for Child Development Education to the Child Development Education Alliance, related to the Gold Seal Quality Care program;
- Makes technical changes relating to the prevailing market rate schedule, including removing an unnecessary reference to parental choice and providing that the federal requirements control if there is a conflict between state and federal requirements;
- Transfers, renumbers, and amends s. 402.3145, F.S., as s. 411.01014, F.S., dealing with transportation services for children participating in the school readiness program, to update obsolete references (instead of repealing it, as in the original bill);
- Makes technical changes to provisions relating to foster care and related services, as suggested by DCF in its analysis of the original bill;
- Amends the school readiness program by:
 - Directing AWI to implement a state level system to build a comprehensive early learning system (Clarifies the role of AWI and its responsibilities to implement a comprehensive system of support services, as suggested by AWI in its analysis of the original bill);
 - Clarifying the requirement that the coalition or program provider should obtain certain information within 30 days after enrollment regarding a child’s health history will be ensured as required for those programs licensed by DCF;
 - Requiring early learning coalitions to implement direct enhancement services and ensure access to services in all Florida counties;
 - Changing the way in which members are determined to be “voting” or “non-voting;”
 - Restoring the county health department director and the central agency administrator as members of the early learning coalitions;
 - Removing the requirement that DCF or a local licensing agency ensure that certain disciplinary practices do not occur;
 - Removing a requirement that the early learning coalitions reduce agency duplication, due to the fact that the coalitions are not agencies; and
 - Specifying that parental choice of child care providers must be established to the maximum extent possible as required by federal law.

CS by Children, Families, and Elder Affairs on April 7, 2010:

The Committee Substitute to CS/SB 2014 adds provisions to CS/SB 2014 to: amend the Gold Seal Quality Care Program for child care facilities to specify the process by which DCF is to develop the standards; require that the Early Learning Coalition consider the prevailing market rate when adopting a payment schedule; and replace AdvancED with other accrediting agencies from which a private prekindergarten provider may obtain accreditation.

CS by the Transportation and Economic Development Appropriations Committee on April 13, 2010:

The Committee Substitute to CS/CS/SB 2014 makes the following changes:

- Directs DCF to adopt rules establishing Gold Seal Quality Care accreditation standards based upon certain national organizations;
- Provides that a child care facility, large family child care home, or family day care home that is accredited by a nationally-recognized accrediting organization approved by DCF and meets all other requirements may receive a “Gold Seal Quality Care” designation;
- Removes language which had required DCF to contact accrediting agencies participating in the program, and required those accrediting agencies to revise their standards or discontinue participation in the Gold Seal program
- Authorizes AWI to adopt rules related to the procedures, calculations, and publication of market rates;
- Permits AWI to authorize the early learning coalition to establish the school readiness transportation services;
- Revises the Legislative intent language in s. 411.01, F.S., to direct early learning coalitions to implement and maintain direct enhancement services at the local level, as approved in its school readiness plan by AWI, and ensure access to such services in all of Florida’s 67 counties;
- Changes the phrase “system support service strategies” to “system support services”; and
- Allows child care provider reimbursement rates that create standards or levels of service not expressly established by the Legislature when the bases for the reimbursement rates have been approved by the federal government, would result in additional federal funding, and are standards that are uniform throughout the state.

B. Amendments:

None.